

THAMES BASIN HEATHS SPECIAL PROTECTION AREA JOINT STRATEGIC PARTNERSHIP BOARD

Tuesday 21 October 2008 10.00-12.30

Mandolay Hotel, Guildford

NOTE OF MEETING

Attendance:

Board Members:

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| Cllr Mary Ballin | Bracknell Forest Borough Council |
| Cllr Jenny Wicks | Guildford Borough Council |
| Cllr Jonathan Glen | Hampshire County Council |
| Cllr James Radley | Hart District Council |
| Cllr David Hilton | Royal Borough of Windsor and Maidenhead |
| Cllr Geoff Woodger | Runnymede Borough Council |
| Cllr Roland Dibbs | Rushmoor Borough Council |
| Cllr Moira Gibson (Chair) | South East England Regional Assembly |
| Cllr Keith Bush | Surrey Heath Borough Council |
| Cllr Carole Cockburn | Waverley Borough Council |
| Cllr Graham Cundy | Woking Borough Council |
| Cllr Angus Ross (for Cllr Cowan) | Wokingham Borough Council |

Advisory Board Members:

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| Charlotte Cordy-Redden | Defence Estates |
| Stan Abbott | Forestry Commission |
| Susan Barnes (for Howard Ewing) | GOSE |
| Rob Cameron | Natural England |
| Emily Ball | Natural England |
| Kate Ashbrook | Open Spaces Society |
| Samantha Dawes | RSPB |
| Ian Hepburn | Wildlife Trusts in the South East |

Apologies:

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| Cllr Barry Cheyne | Elmbridge Borough Council |
| Cllr David Harmer | Surrey County Council |
| Cllr Gary Cowan | Wokingham Borough Council |
| Stuart Hylton | Berkshire Joint Strategic Planning Unit |
| Howard Ewing | GOSE |
| Lesley Creedon | GOSE |
| Kristoffer Hewitt | Natural England |
| Tim Stansfeld | SEEDA |

Officers/Observers:

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| Allison Hulbert | Bracknell Forest Borough Council |
| LT Col Paul Norrington-Davies | Defence Estates |
| Lesley Underwood | Elmbridge Borough Council |
| Lesley Waddell | Guildford Borough Council |
| Phil Allen | Hampshire County Council |
| Daniel Hawes | Hart District Council |
| Roger Hutton | Howard Hutton Associates |
| Stephen Miles | Member of Public and British Entomological and Natural History Society |

Richard Hawkey
James Dawkins
Carrie Temple
Andrew Hunter
Cath Rose
David Payne
Paul Druce
Jenny Rickard
Graham Parrott
Kathy O'Leary
Graham Ritchie

Royal Borough of Windsor and Maidenhead
RSPB
RSPB
Runnymede Borough Council
South East England Regional Assembly
South East England Regional Assembly
Surrey County Council
Surrey Heath Borough Council
Waverley Borough Council
Woking Borough Council
Wokingham Borough Council

1. Election of Chairman; Nomination of Member Steering Group

- 1.1 Cllr Wicks nominated Cllr Gibson as Chairman for the coming year. Cllr Hilton seconded this nomination. There were no further nominations, and it was agreed that Cllr Gibson would continue as Chairman for the coming year.
- 1.2 Members agreed that Cllr Gibson, Cllr Wicks, Cllr Dibbs, Cllr Radley, Cllr Ballin and Cllr Glen would continue to sit on the member steering group.

2. Apologies

- 2.1 Apologies had been received from Cllr Harmer, Stuart Hylton, Kristoffer Hewitt and Tim Stansfeld. Susan Barnes was substituting for Howard Ewing, and Cllr Ross for Cllr Cowan.

3. Minutes from the last meeting and matters arising

- 3.1 Ian Hepburn pointed out that Matt Jackson was representing Wildlife Trusts in the South East at the last meeting, not Berks, Bucks and Oxon Wildlife Trust.

4. Proposal for access management and monitoring on the Thames Basin Heaths SPA

- 4.1 Ian Hepburn declared an interest in the proposals in the light of the Wildlife Trusts involvement in this work.
- 4.2 Rob Cameron gave an overview of Natural England's work on strategic measures (access management and monitoring) including:
 - That Natural England was undertaking this work following a formal request by the Board.
 - An overview of the specific proposals for the access management service.

- An overview of the specific proposals for monitoring, and feedback from the consultation event. He highlighted that the SANG capacity survey was not fully addressed in the Monitoring Strategy which had been circulated – this would in fact result in a reduction to the quoted costs.
- 4.3 Emily Ball provided more information about the proposed project structure, including:
- The financial mechanisms that would be put in place, including the role of Hampshire County Council; and delivery mechanisms, including the role of the Wildlife Trusts and Bracknell Forest Borough Council.
 - The need for Service Level Agreements relating to collection of funds from local authorities and provision of services by land managers.
 - The estimated cost of the project resources, including the fact that first year costs would be slightly higher, and that a 10% contingency was built into the figures.
 - Governance issues and the need to set up a Project Board to oversee the project set up and operational delivery of the project.
 - The ‘next steps’ including setting up the Project Board, establishing service level agreements and progressing proposals through Natural England’s internal procedures.
- 4.4 Natural England’s presentation is attached.
- 4.5 Members discussed the proposals. Questions and points raised included:
- Cllr Bush, Cllr Wicks and Cllr Dibbs sought clarification about where the money would be coming from – and how much it might be.
 - Cllr Hilton and Cllr Radley expressed concerns about combining access management and monitoring into a single payment.
 - Cllr Radley and Cllr Ross felt it was important that access management was provided in perpetuity. Sam Dawes supported this point.
 - Cllr Ross was concerned that if some local authorities did not sign up to the proposals this might put the project in jeopardy.
 - Cllr Cundy was concerned that there should be sufficient flexibility to cope with downturns in the market and contributions not coming forward as anticipated; Cllr Dibbs questioned whether there was a ‘Plan B’ if this were the case. Cllr Ballin was concerned that things have changed quite considerably since this work was started.
- 4.6 In response to member’s questions Rob and Emily clarified that:
- The access management and monitoring measures would be funded by contributions additional to those being collected through miniplans for SANG. As these contributions are agreed by individual authorities, Natural England’s estimates could only be indicative, but on the assumption that 2,400 houses per year would come forward in the 5km zone, over 5 years this would equate to a contribution of approximately £245 per dwelling. Initial estimates suggested this would rise to around £300 if the proposals were extended to cover a 17 year period. The proposal was for a 5 year period to coincide with NE project process, and also to allow the opportunity to review the success of project.

- Access management and monitoring payments could generally be kept separate apart from the project manager and communications officer, who would spend some time on both strands of work, resulting in cost efficiencies.
- Bracknell Forest BC were involved as a result of their agreement with the Crown Estates re wardening of CE land; however the delivery arrangements are indicative at this stage and may be subject to change.
- There were risks in developer contributions coming forward. Natural England are prepared to accept some of this risk and forward fund the project manager post; however in relation to other services, money would be accrued for 6 months, following which the Project Board would agree funding priorities for the money accrued. The priority would be funding the project manager (which would rely on 300 houses per year coming forward) – if fewer than 2,400 houses per year come forward less access management may be provided.
- The timetable for the proposals would not allow monitoring to be in place at the beginning of the next breeding season but could allow monitoring to commence in mid summer 2008
- Value for money from the access management programme could be judged using the information from the proposed monitoring programme but it would be appropriate for the JSPB or proposed project board to review and set value for money measures

4.7 Some members were reassured by the indicative cost per dwelling; others had concerns especially in the light of the current housing market. There was some discussion of alternative funding mechanisms for access management and monitoring.

4.8 Cath Rose confirmed that additional work to try and bottom out the perpetuity issue was ongoing. The Chorley formula used by the National Trust may provide some answers.

4.9 Members agreed an amended recommendation, that:

- **In principle the Board accepts Natural England's proposal for delivering access management and monitoring and members are asked to take the proposals back to their individual authorities for consideration, along with the Delivery Framework and proposed Memorandum of Agreement.**

4.10 It was agreed that officers would do further work on proposals for the project board before the next meeting.

5. Common land legislation and consent regime

5.1 Kate Ashbrook gave a presentation to the Board about common land legislation and the consent regime, including

- The long history behind common land, its characteristics and the public's rights over common land, including in the light of the CROW Act

- The protection that exists over common land, and the consent procedures that are required to carry out works on common land, including exemptions for minor schemes and the need for exchange land if major works are being proposed.
 - The benefits of cross party discussions prior to consent for works to common land being sought.
 - The need to take account of common land protection and consent regime when considering the use of such land as SANG
- 5.2 Kate also briefly highlighted the potential role of village green legislation, by which land can be dedicated as a village green, allowing permanent rights of recreation. This could be discussed further at a future meeting.

6. Delivery Framework – update

- 6.1 Cath Rose gave a brief introduction to the revised Delivery Framework.
- 6.2 Cllr Hilton requested that further information and clarity be provided in relation to the issue of perpetuity. Susan Barnes questioned whether the definition of perpetuity was still based on the design life of new housing. Cath Rose confirmed that perpetuity means forever but that in practical terms this is likely to be defined as the period over which developer contributions can be collected to secure payments in perpetuity.
- 6.3 Cllr Dibbs expressed concerns that in Rushmoor new housing development was not generally accommodating new population, especially where that housing was affordable; rather it was catering for the existing population. Cllr Ross suggested that the document should be written in clearer language and Cllr Gibson suggested the addition of a glossary.
- 6.4 Cllr Radley suggested inclusion of an additional paragraph in section 3 setting out that in taking forward the recommendations in the Delivery Framework, schemes or projects will need to be considered under the Habitats Regulations. Sam Dawes considered that an Appropriate Assessment should be carried out on the Delivery Framework, but expressed concerns about the lack of certainty provided by the document. Ian Hepburn suggested that greater certainty to LPAs could be provided by amending the proposed South East Plan Policy (see AOB below).
- 6.5 Cllr Woodger suggested that large developments are likely to need Appropriate Assessments anyway given their scale and nature. Susan Barnes highlighted that Appropriate Assessment at a strategic level was quite different from that at a local level, as it was not possible to provide detailed local information. Rob Cameron highlighted the tension between the requirements of the Habitats Regulations and allowing flexibility for local discretion in a strategic document.

- 6.6 Cath Rose reminded members about the importance of allowing for local flexibility in the Delivery Framework, which was a recommendation from the Board as to a consistent approach rather than a prescriptive or statutory document. Cllr Ballin and Cllr Gibson considered that further information was needed in relation to Cllr Radley's suggestion and that this should be provided in advance of the next meeting. Sam Dawes agreed to write a letter to the Board outlining legal advice the RSPB has received on this matter.
- 6.7 Working through the rest of the Delivery Framework, members suggested the following:
- Para 4.2 should be reworded for clarity, including - in relation to defining the 400m zone - reference to the *perimeter* of the SPA and deletion of reference to the primary point of access. Also, the paragraph should perhaps make reference to the need for local flexibility.
 - Para 4.4 should make reference to the Assessor's conclusions about large scale development beyond the Zone of Influence.
 - Para 5.2 (or 3.13) should be clearer about what the 'three pronged approach' is.
 - The detailed cross boundary working suggestions in para 5.5 should be deleted and replaced by a more generic statement about joint working.
 - Para 5.7 should be amended to refer to housing completion and should provide more information about how this should be defined. Also, the second clause of the sentence should be reworded for clarity.
 - Para 5.8 should make specific reference to the additional constraints of using common land for SANG.
 - Paras 5.12 and 5.13 be reworded to clarify that development contributions should be collected for *all* housing development proposals of 1 net unit and above.
 - Para 5.19 should provide greater clarification over what is meant by 'other nature conservation interests'.
 - Footnote 2 should read '...favourable conservation status..'
 - Footnote 9 should be amended to provide more information about perpetuity.
- 6.8 In relation to the terms of reference:
- Cllr Cundy suggested that commercial interests should be represented; however it was generally felt that this went beyond the current remit of the Board to look at the implications of housing development.
 - Cllr Ross suggested that the Fire service should also be involved in the Board; however it was generally felt that the Fire and Police services should be invited to the Board as and when required rather than being permanent members.
 - Sam Dawes considered that para 5.1.7 should be amended to make it clear that the Board could recommend necessary actions resulting from monitoring outcomes.
- 6.9 It was agreed that:
- **The item should be deferred until the next meeting; in particular to take account of detailed rewording issues and**

provide further information in relation to the issue of the status of the Delivery Framework and the need for appropriate assessment.

7. Items for information

- 7.1 Cllr Ross updated the group on the Wokingham and Hart joint bid to the Regional Infrastructure Fund for a shared SANG site.
- 7.2 The items for information were **noted**.

8. Dates of next meeting

- 8.1 The dates of forthcoming meetings were noted. The next meeting will be held at the Mandolay Hotel in Guildford at 10am on Tuesday 12 February 2009.

9. Any other business

- 9.1 Ian Hepburn introduced the Wildlife Trusts/Natural England/RSPB paper setting out proposed amendments to the South East Plan Proposed Changes policy on the Thames Basin Heaths. He considered that the Proposed Changes policy was a good start but should be amended to provide greater certainty.
- 9.2 It was agreed that individual members should email comments on the proposed amendments to Cath Rose as soon as possible. The steering group would consider these, and a final version would be circulated by email for members' agreement, and sent to GOSE by the end of November.
- 9.3 Cllr Ross suggested that any response should be qualified to make it clear that it was the views of the Board members, not necessarily their individual authorities. This view was supported.